

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF THE REQUEST)	
TO REMOVE THE WATERMASTER)	
OF WATER DISTRICT NO. 34, BIG)	ORDER DISMISSING
LOST RIVER)	CONTESTED CASE
_____)	

On March 17, 2006, Kent Foster, attorney at law, filed with the Idaho Department of Water Resources (IDWR) a complaint pursuant to Idaho Code § 42-605(9), requesting the removal of Bob Duke, the elected watermaster for Water District no. 34, Big Lost River. The complaint also requested an investigation and a hearing, if "deemed necessary." Kent Foster filed the complaint on behalf of the following holders of water rights in the Big Lost River Basin: Seth Beal, Keith Waddoups, Jay Vaughn Jensen, Harvey Walker, Darrell MacDonald, Mitchell Sorensen, Charlie Huggins, Rick Reynolds, Dean Andersen, Eric Aikele, Preston Bell, Joel Anderson, and Kent Harwood.

Idaho Code § 42-605(9) requires that the Director hold a hearing after receiving a request for watermaster removal. The complaint requesting watermaster removal created a contested case before IDWR. The Director delegated authority to conduct the hearing for the contested case to Gary Spackman.

IDWR investigated the activities of the watermaster in past years and monitored the watermaster's administration of water rights, recording of water deliveries, and other bookkeeping during the 2006 irrigation season. The results of the investigation were presented to the Basin 34 water users on November 1, 2006.

In a letter dated November 14, 2006, faxed to IDWR on November 14, 2006, and delivered by U.S. Mail to IDWR on November 16, 2006, Kent Foster stated the following:

... based on a review of the data available from deliveries in 2006, and the work done by IDWR as reported by Mr. Nick Miller, to correct the measuring of water deliveries and properly accounting therefore, the individuals named in our March 17, 2006, letter have instructed us to withdraw their request for a hearing on removal of the Watermaster.

ORDER

IT IS HEREBY ORDERED that the contested case created by Kent Foster's March 17, 2006 complaint requesting removal of the watermaster of Water District 34, Big Lost River, is **Dismissed**.

Dated this 22nd day of November, 2006.



Gary Spackman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of November, 2006, a true and correct copy of the document(s) described below were served by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Order Dismissing Contested Case

BOB DUKE
WD34
PO BOX 53
MACKAY, ID 83251

LOY PEHRSON
RT 1 BOX 48
DARLINGTON ID 83255

LIN HINTZE
PO BOX 125
MACKAY ID, 83251

LOGAN WILLIAMS
HC 86 BOX 4160
MACKAY ID 83251

KIETH HILL
4965 N 5600 W
MACKAY ID 83251

PRESTON BELL
RT 1 BOX 58
DARLINGTON ID 83231

ALVIN CRAWFORD
3943 W ANTELOPE RD
MOORE ID 83255

JAY JENSEN
3165 W 3300 N
MOORE ID 83255

BOB WADDOUPS
3474 W 2850 N
MOORE ID 83255

ERIC AIKELE
3477 W 2700 N
MOORE ID 83255

YOUNG HARVEY WALKER
RT 1 BOX 200
ARCO ID 83213

SETH BEAL
2827 N 3375 W
MOORE ID 83255

KIETH WADDOUPS
RT 1 BOX 62A
MOORE ID 83255

DARRELL MCDONALD
PO BOX 102
ARCO ID 83213-0102

MITCHELL SORENSON
3871 W 2500 N
MOORE ID 83255

CHARLIE HUGGINS
RT 1 BOX 216
ARCO ID 83213

RICHARD REYNOLDS
2800 N 3233 W
ARCO ID 83213

DEAN ANDERSON
RT 1 BOX 40
MOORE ID 83255

JOEL ANDERSON
RT 1 BOX 49
MOORE ID 83255

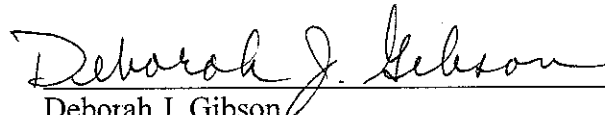
KENT HARWOOD
PO BOX 463
MOORE ID 83255

BIG LOST RIVER IRRIGATION
DISTRICT
101 S MAIN AVE
MACKAY ID

KENT W FOSTER
HOLDEN KIDWELL
1000 RIVERWALK DR STE 200
IDAHO FALLS, ID 83402-3304

IDWR EASTERN REGION
IDAHO FALLS

KARL T KLEIN,
DEPUTY AG, CIVIL LIT DIV
PO BOX 83720
BOISE, ID 83720-0010

A handwritten signature in cursive script, reading "Deborah J. Gibson", written in black ink. The signature is positioned above a horizontal line.

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau